

AMENDED AND RESTATED  
RESOLUTION ESTABLISHING  
COASTAL REGIONAL SOLID WASTE MANAGEMENT AUTHORITY

WITNESSETH:

THE WHEREAS, the General Assembly of North Carolina has enacted the Solid Waste Management Act of 1989, Chapter 130A, Article 9, Part 2A of the General Statutes of North Carolina; and

WHEREAS, said legislation mandates that each county, either individually or in cooperation with others, shall, in cooperation with its municipalities, develop a comprehensive county solid waste management plan consistent with the State's comprehensive solid waste plan, including provisions which address the State's recycling goal; and

WHEREAS, the General Assembly has enacted legislation providing for the creation of regional solid waste management authorities among units of local government in North Carolina, said legislation being codified as Chapter 153A, Article 22 of the General Statutes; and

WHEREAS, Craven, Carteret and Pamlico Counties, the same being counties of the State of North Carolina, after due and diligent consideration, desire to take action pursuant to said legislation;

NOW, THEREFORE, BE IT RESOLVED, by the Boards of Commissioners of Craven, Carteret and Pamlico Counties, in separate sessions duly convened, by the adoption and enactment of this resolution by each of said Boards, do hereby create a regional solid waste management authority pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina and do

hereby adopt this resolution and the following articles and sections thereunder as the charter thereof:

## ARTICLE I

### NAME

The name of this Authority shall be COASTAL REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

## ARTICLE II

### DEFINITIONS

#### Section 1

The terms enumerated and referred to in Chapter 153A, Article 22, §153A-421 of the North Carolina General Statutes and in the Authority's Solid Waste System Revenue Refunding Bonds, Series 1999 Bond Order shall have the meanings as therein set forth. In the event of any inconsistencies between the definitions of the terms as set forth in said statute and Bond Order and the terms as set forth herein, the definition as set forth in the general statutes shall control. In addition, the following terms are defined terms under this charter and shall have the meanings as indicated:

1. Act - The North Carolina Solid Waste Management Act of 1989, N.C.G.S. Chapter 130A, Article 9, Part 2A.
2. Authority - Coastal Regional Solid Waste Management Authority established pursuant to Chapter 153A, Article 22 of the General Statutes of North Carolina.
3. Interlocal Solid Waste Management Agreement - An agreement entered into between the Authority and a municipality pursuant to North Carolina General Statute Chapter

160A, Article 20, Part 1.

4. Regional Landfills - Any landfill developed and operated by the Authority in such locations within the Service Area or designated by the Authority for the disposal of solid waste.

5. Service Area - The geographic area encompassing the territorial jurisdiction of the members of the Authority. This term also includes the geographic area within municipalities located in Careteret, Craven or Pamlico counties to the extent that any such municipality has granted the Authority jurisdiction pursuant to an Interlocal Solid Waste Management Agreement.

6. Service Charge - Any charge made by the Authority for the management of solid waste.

7. Solid Waste Disposal System - Any and all facilities now or hereafter designated by Authority as part of its system for the management and disposal of solid waste, including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), composting, recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Authority, all for the purpose of providing for solid waste disposal; as of the date of enactment of this Charter.

8. Solid Waste Management Plan - A plan adopted by the Authority pursuant to the Act setting forth the types of material acceptable to the Authority for disposal, times and places where material will be received by the Authority, methods of collecting fees charged by the Authority for disposal service, and such other information as will describe operating procedures, control, use of the disposal system and provide instruction and guidelines to users of the system.

9. Waste Hauler - Any person, firm, corporation or other entity engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the Service Area, including any such entity engaged in such activities with respect to solid waste generated by such entity as well as any entity engaged in such activities with respect to solid waste generated by others.

### ARTICLE III

#### DECLARATION OF PURPOSE

1. To require all inhabitants and entities within the Service Area and all governmental agencies, to use exclusively the Solid Waste Disposal System operated, maintained or designated by the Authority for the disposal of all solid waste generated within or brought within the Service Area; to establish a schedule of fees, rates, charges and assessments for the management of solid waste to pay for the costs of the operation and maintenance of the Solid Waste Disposal System; and to provide for a method and procedure for the collection of such established fees, rates, charges and assessments.

2. To protect and enhance the environment and the health, safety and welfare of citizens residing within and without the Authority Service Area by requiring that all solid waste generated within the Authority's Service Area be disposed of in a manner which complies with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. §6901, et. seq., enacted by the United States Congress and regulations promulgated thereunder, specifically 40 C.F.R. Part 258, including 258.40 (Subpart D), and with the Act.

3. To regulate in an environmentally safe manner the storage, collection, transport, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of the Authority Service Area and

recover resources which have the potential for further usefulness.

4. To adequately plan and provide efficient, environmentally acceptable solid waste management programs.

5. To utilize all means reasonably available to promote efficient and proper methods of managing solid waste and to promote the economical recovery of material and energy resources from solid waste.

6. To promote the education of the general public and the training of solid waste professionals to reduce the production of solid waste, to ensure proper disposal of solid waste, and to encourage recycling.

7. To develop and implement recycling programs so that valuable materials may be returned to productive use, energy and natural resources conserved, and the useful life of solid waste disposal facilities extended.

8. The provisions of this Charter are intended to be, and they shall constitute, the exercise by the Authority of the powers and authority granted to it under the Act.

9. Except to the extent that solid waste generated within the Service Area is transported, disposed of or otherwise processed in accordance with the terms and conditions of a non-system license issued by the Authority, no Waste Hauler or other entity shall transport solid waste generated within the Service Area to any non-system facility, or utilize or cause to be utilized any such non-system facility for the disposal or other processing of any solid waste generated within the Service Area.

## ARTICLE IV

### FINDINGS

1. It is necessary for the promotion of the common interest of the people of the Service Area to provide for the effectuation of a Solid Waste Disposal System, and it is necessary to the health, safety, and welfare of the citizens and residents of the Service Area to provide an adequate Solid Waste Disposal System for all residents and commercial, industrial and agricultural operators within the Service Area.

2. The Act authorizes the Authority to construct, operate and maintain or contract with entities for the construction, operation and maintenance of the Solid Waste Disposal System for the use and benefit of the inhabitants of the Service Area and grants to the Authority the power:

- (a) To require the inhabitants of the Service Area to use the Solid Waste Disposal System established by the Authority exclusive of any other facilities being operated or maintained by any other governmental authorities or private parties; and
- (b) To prescribe, fix, establish and collect rates, fees, assessments, rentals or other charges for the use of said Solid Waste Disposal System and to pledge such revenues as security for the payment of bonds issued under said legal authority for the construction, planning, permitting, design, management and operation of the Solid Waste Disposal System.
- (c) To require any Waste Hauler to make use of the Solid Waste Disposal System of the Authority.

3. The inefficient and improper methods of managing solid waste create hazards to public health, causes pollution of the air and water resources, constitutes a waste of natural resources, have an adverse affect on land values and create public nuisances.

4. The potential operation of numerous independent and separate solid waste facilities within the Service Area with varying standards of operation and control creates a serious and critical health and safety problem to all of the citizens of the Service Area and that the use of one Solid Waste Disposal System operating uniformly and with minimum ecological impact in the Service Area is vital and imperative to the health, safety and welfare of the people of the Service Area and other living things.

5. The Act grants the Authority the power to provide for and regulate solid waste collection and disposal.

6. The Service Area has limited land and resources for the disposal, transfer and recovery of resources from solid waste and it is the responsibility of the units of local government within the Service Area to protect and judiciously utilize such limited land and resources.

7. The Authority is developing the disposal system as a regional waste disposal and recovery system within the framework of a regional solid waste management plan of operation in cooperation with federal, state and local agencies for the benefit of all citizens of the Service Area.

## ARTICLE V

### POWERS, DUTIES AND FUNCTIONS

#### Section 1.

##### Powers

This Authority shall possess the following powers:

- (1) To apply for, accept, receive, and disburse funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government whether or not a member of the authority, any private or civic agency, and any persons, firms, or corporations;
- (2) To employ personnel;
- (3) To contract with consultants;
- (4) To contract with the United States of America or any agency or instrumentality thereof, the State of North Carolina or any agency, instrumentality, political subdivision, or municipality thereof, or any private corporation, partnership, association, or individual, providing for the acquisition, construction, improvement, enlargement, operation or maintenance of any solid waste management facility, or providing for any solid waste management services;
- (5) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties, not inconsistent with the laws of the State of North Carolina or the United States;

- (6) To adopt an official seal and alter the same;
- (7) To establish and maintain suitable administrative buildings or offices at such places as it may determine by purchase, construction, lease, or other arrangements either by the authority alone or through appropriate cost-sharing arrangements with any unit of local government or other person;
- (8) To sue and be sued in its own name, and to plead and be impleaded;
- (9) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money;
- (10) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof;
- (11) To sell, lease, exchange, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein;
- (12) To pledge, assign, mortgage, or otherwise: grant a security interest in any real or personal property or interest therein, including the right and power to pledge, assign, or otherwise grant a security interest in money, rents, charges, or other revenues and any proceeds derived by the Authority from any and all sources;
- (13) To issue revenue bonds of the Authority and enter into other financial arrangements including those permitted by Chapter 153A Article 22, Chapters 159, 159I, and 160A of the General Statutes of North Carolina to finance solid waste management activities, including, but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;
- (14) With the approval of any member unit of local government, to use officers, employees, agents, and facilities of the member unit of local government for such purposes and upon such terms as may be mutually agreeable;
- (15) To develop and make data, plans, information, surveys, and studies of solid waste management facilities within the territorial jurisdiction of the members of the authority, to prepare and make recommendations in regard thereto;



- (16) To study, plan, design, construct, operate, acquire, lease, and improve systems and facilities, including systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, household hazardous waste management, transportation, disposal and public education regarding solid waste management, in order to provide environmentally sound, cost-effective management of solid waste, including storage, collection, transporting, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; to enhance the environment for the people of the Service Area; recover resources and energy which have the potential for further use, and to promote and implement the purposes set forth in Part 2A of Article 9 of Chapter 130A of the General Statutes;
- (17) To locate solid waste facilities, including ancillary support facilities, as the Authority may see fit;
- (18) To assume any responsibility for disposal and management of solid waste imposed by law on any member unit of local government;
- (19) To operate such facilities together with any person, firm, corporation, the State of North Carolina, any entity of the State, or any unit of local government as appropriate and otherwise permitted by this charter and the laws of the State of North Carolina;
- (20) To set and collect such fees and charges as is reasonable to offset operating costs, debt service, and capital reserve requirements of the Authority;
- (21) To apply to the appropriate agencies of the State, the United States of America or any state thereof, and to any other appropriate agency for such permits, licenses, certificates or approvals as may be necessary and to construct, maintain, and operate projects in accordance with such permits, licenses, certificates, or approvals in the same manner as any other person or operating unit of any other person;
- (22) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and such other consultants and employees as may be required in the judgment of the Authority, to fix and pay their compensation from funds available to the Authority therefore, to select and retain,

subject to approval of the North Carolina Local Government Commission, the financial consultants, underwriters, and bond attorneys to be associated with the issuance of any revenue bonds, and to pay for services rendered by financial consultants, underwriters, or bond attorneys from funds available to the authority, including the proceeds of any revenue bond issue with regard to which the services were performed;

- (23) To acquire property located within the territorial jurisdiction of any member unit of local government by eminent domain pursuant to authority granted to counties;
- (24) To require that any and all solid waste and recyclable materials generated within the authority's Service Area be separated and delivered to specific locations and facilities, provided that if a private landfill shall be substantially affected by such requirement, then the regional solid waste management authority shall be required to give the operator of the affected landfill at least two years written notice prior to the effective date of the requirements; and
- (25) To do all things necessary, convenient, or desirable to carry out the purposes and to exercise the powers granted to the authority under this charter or the General Statutes of North Carolina.
- (26) To enter into long-term and continuing contracts, not to exceed a term of sixty (60) years, with member or other units of local government for the acquisition, construction, improvement, enlargement, operation, or maintenance of any solid waste management facility or for solid waste management services with respect to solid waste generated within their geographic boundaries or brought into their geographic boundaries.

## Section 2

### Functions and Duties

The functions and duties of the Authority shall include, but not be limited to the following:

- (1) The planning, design, construction, financing, management, ownership, operation

and maintenance of solid waste disposal, volume reduction and resource recovery facilities and all related solid waste receiving, transfer, recycling, storage, transportation and waste handling and general support facilities considered by the Authority to be necessary, desirable, convenient or appropriate in carrying out the Solid Waste Management Plan and in establishing, managing and operating solid waste disposal and resource recovery systems and their component waste processing facilities and equipment;

- (2) The provision of solid waste management services to municipalities, regions and persons within the Service Area, or other places as may be designated by the Authority, by receiving solid wastes at the Authority facilities, pursuant to contracts between the Authority and such agencies, municipalities, persons, regions and business entities; the recovery of material and energy resources and resource values from such solid wastes; and the production from such services and resources recovery operations of revenues sufficient to provide for the support of the Authority and its operations;
- (3) The development, implementation and supervision of a program requiring all Waste Haulers to obtain a license from the Authority. The Authority may enter into an administrative agreement with any county, municipality or other political subdivision under which agreement the licensing program referenced herein may be conducted by the county, municipality or other political subdivision pursuant to such rules and regulations adopted by the Authority which are applicable to the licensing program.

## ARTICLE VI

### BOARD OF DELEGATES

The powers of the Authority shall be exercised by an initial Board of Delegates, who may also be referred to as the Board of Directors, composed as follows:

MEMBER UNIT

NUMBER OF DIRECTORS

Craven County ..... 3

Carteret County ..... 2

Pamlico County ..... 2

The governing body of each member unit shall appoint residents of the member unit to the Board and may appoint one alternate who may attend meetings of the Authority Board, but who shall be entitled to vote only in the absence of any one director designated by the appointing member unit. In appointing members to the Board of Directors of the Authority, each member shall strive to appoint at least one director who shall fairly and reasonably consider and represent the interests of the municipalities within the Authority's Service Area. Each director and alternate shall serve at the pleasure of the appointing body and, except for the terms of the first members, shall serve for a term of four years. Any member or alternate may be removed, with or without cause, by the governing body of the appointing member unit. Each member and alternate on the Board shall hold office until his-her successor is appointed and qualified. Any member and alternate shall be eligible for reappointment to succeed him/herself.

A vacancy on the Board of Directors shall be filled by appointment by the governing board of the member unit of local government having the original appointment with the term of office for the new appointee being the unexpired term of the original appointee.

The names and addresses of the first members, the names of the appointing political subdivisions, and the year of expiration of the term of the first members are as follows:

<u>Name</u>	<u>Address</u>	Of	Expiration <u>Term</u>
CRAVEN COUNTY			
Alton D. Harris, Director			December 31, 1992

John W. Dunham, Director  
Charles T. Potter, Director  
Tyler B. Harris, Alternate

December 31, 1993  
December 31, 1994  
December 31, 1994

#### CARTERET COUNTY

John Morris, Director  
Carl Tilghman, Director  
Kenneth Windley, Jr., Alternate

December 31, 1993  
December 31, 1994  
December 31, 1994

#### PAMLICO COUNTY

Paul H. Johnson, Director  
William R. Rice, Director  
Nancy W. Smith, Alternate

December 31, 1993  
December 31, 1994  
December 31, 1994

### ARTICLE VII

#### FINANCES

Funding for administrative and general operational requirements of the Authority, to include planning, permitting, design, acquisition, construction and management of the Solid Waste Disposal System and other Authority purposes will initially be provided by members of the Authority. Each member's proportionate share will be determined by a per capita assessment based on the most recent population projections provided by the North Carolina State Office of Budget and Management. Thereafter, the Authority will develop and adopt, by a simple majority vote, an annual budget for each up-coming fiscal year by the end of May of the preceding fiscal year. The budget shall be funded first by revenues generated by operations of the Authority and, secondarily, by revenues generated by assessments of member governments, said assessments to be determined in the same manner as initial funding.

### ARTICLE VIII

#### AUDIT

The Authority shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy thereof shall be filed promptly with the governing body of each member.

ARTICLE IX  
AMENDMENTS

This charter may be amended by a simple majority of the members of the Authority, however, the provisions of Article XI concerning the Municipal Committee may not be amended in any manner which affects any municipal corporation, city or town represented on said committee without the written consent of the governing body of such municipal corporation, city or town.

ARTICLE X  
DISSOLUTION

If there is no outstanding indebtedness, the Authority may be dissolved by a vote of the simple majority of the member units of local government according to the procedures for dissolution as set forth in the Non-Profit Corporation Act of North Carolina.

ARTICLE XI  
MUNICIPAL COMMITTEE

There shall be a standing committee of the Authority composed as follows:

## Section 1

### Name

The name of the Committee shall be the "MUNICIPAL COMMITTEE".

## Section 2

### Members

1. The Committee shall be composed of one representative from each municipal corporation, city or town within the Authority Service Area, which has entered into an Interlocal Solid Waste Management Agreement with the Authority and which has a population of no less than 150 residents as determined by the most recent population projections provided by the North Carolina State Office of Budget and Management and which has requested in writing to be represented on the Committee.

2. The members of the Committee shall be appointed by the governing bodies of the municipal corporation, city or town he or she represents and each shall serve at the pleasure of his or her governing body.

3. In the event that any municipal corporation, city or town having a representative on the Committee shall, for any reason, cease to be a party to an Interlocal Solid Waste Management Agreement with the Authority, representative membership on the Committee for such municipal corporation, city or town shall immediately cease.

## Section 3

### Duties and Functions

The members of the Committee shall be entitled to all rights and privileges of the members of the Board of Directors of the Authority except the right to vote, including, but not by way of limitation, the right to attend all meetings of the Board of Directors of the Authority and report the proceedings thereof to their respective governing bodies, except that any information received in

executive session or other confidential status shall be reported to such member's governing body with the same confidential status under which it is received.

HISTORICAL NOTES:

Original adopted: August 20, 1990

First Amendment adopted: June 3, 1991

Second Amendment presented to CRSWMA Board: September 14, 2000

Second Amendment adopted by Pamlico County: October 2, 2000

Second Amendment adopted by Craven County: October 16, 2000

Second Amendment adopted by Carteret County: October 16, 2000

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